

APPEAL NO. 032378  
FILED OCTOBER 14, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on August 11, 2003. With respect to the issue before him, the hearing officer determined that the respondent (claimant) is entitled to supplemental income benefits (SIBs) for the second quarter. In its appeal, the appellant (self-insured) asserts error in that determination. The appeal file does not contain a response to the appeal from the claimant.

DECISION

Affirmed.

The requirements for entitlement to SIBs are set out in Section 408.142 and in Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102 (Rule 130.102). The parties stipulated that the claimant sustained a compensable injury on \_\_\_\_\_; that he has an impairment rating of 15% or greater; that the qualifying period for the second quarter ran from February 20 to May 21, 2003; and that the second quarter of SIBs ran from June 5 to September 3, 2003. With regard to the required "good faith" requirement, the hearing officer was satisfied that the claimant proved that he looked for work commensurate with his ability to work during each week of the relevant qualifying period and that he documented those job search efforts. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established (Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ)). In contending that the claimant's job search efforts do not rise to the level of a good faith search, the self-insured emphasizes the same factors it emphasized at the hearing. The significance, if any, of those factors was a matter for the hearing officer to resolve. Nothing in our review of the record reveals that the hearing officer's good faith determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Thus, no sound basis exists for us to reverse that determination, or the determination that the claimant is entitled to SIBs for the second quarter, on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the self-insured is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**CITY SECRETARY  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

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Elaine M. Chaney  
Appeals Judge

CONCUR:

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Chris Cowan  
Appeals Judge

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Edward Vilano  
Appeals Judge